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Land and Freedom

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Land and Power in Britain

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Charles I: The Commoners' King

"From about 1607 to 1636, the Government pursued an active anti- enclosure policy" - W.E. Tate

Charles' anti-enclosure policies may have been the spark that ignited the English Civil War

From

Historians are inconclusive about the origin and cause of the war. Whatever brought the merchant classes, or bourgeoisie, to armed conflict with the king must have had a mighty incentive. Driven by the new capitalist class the move from collective to private ownership of land was extremely lucrative. To halt it, unforgivable.

In the eyes of the merchants the king had to go!

[Extent of Charles' penalties on enclosers](#)

Extract from: 'The English Village Community and the Enclosure Movements'

W. E. Tate, Victor Gollancz, London, 1967.

Chapter 11

Enclosure and the State in Tudor and Early Stuart times.

The Policy of the Early Stuart Governments

Probably in Stuart times baser motives weighed more heavily with the governmental authorities. The Stuart policies, especially that of Charles I, were as Tawney says, 'smeared with the trail of finance'., 'Enclosure, at any rate enclosure leading to depopulation, was an offence against the common law.'* Commissions inquired into it, and in many cases the statesmen and divines who composed these were inspired by the loftiest motives. The general action of the government, however, was to use the Privy Council and the courts, especially the prerogative courts, the Court of Requests and the Star Chamber, the Councils of Wales and the North, as means of extortion. The offenders were 'compounded with', i.e. huge fines were levied so that the culprits might continue their malpractices.¹

In 1601 a proposal to repeal the depopulation acts was crushed upon the ground that the majority of the militia levies were ploughmen.² In 1603 the Council of the North were ordered to check the 'wrongful taking in of

commons' and the consequent 'decay of houses of husbandry . . .'. From about 1607 to 1636, the Government pursued an active anti- enclosure policy.³ In 1607 the agrarian changes in the Midlands had produced an armed revolt of the peasantry, beginning in Northamptonshire, where there had been stirrings of unrest at any rate since 1604. The counties mainly affected were Northamptonshire, Bedfordshire, Buckinghamshire, Huntingdonshire, Leicestershire, the three divisions of Lincolnshire, and Warwickshire.

The leader was a certain John Reynolds, nick- named Captain Pouch, 'because of a great leather pouch which he wore by his side, in which purse he affirmed to his company there was sufficient matter to defend them against all commers, but afterwards when he was apprehended, his Pouch was searched, and therein was only a peece of greene cheese'. John was soon dealt with after a skirmish at Newton, where a body of mounted gentlemen with their servants dispersed a body of a thousand rebels, killing some forty or fifty of the poorly-armed rustics. Some of his followers were hanged and quartered.

Promises of redress made by various proclamations were fulfilled only to the extent of the appointment of still another royal commission to inquire into agrarian grievances in the counties named. After it had made its return, however, it was discovered that on legal technicalities the commission was invalid, and little action seems to have been taken upon its laboriously compiled returns. The local gentry were soon busily at work again in enclosing their own land and that of others, though in 1620 Sir Edward Coke, the greatest of English judges, who had already shown himself a keen opponent of enclosure, declared depopulation to be against the laws of the realm, asserting that the encloser who kept a shepherd and his dog in the place of a flourishing village community was hateful to God and man.

A reaction set in when in 1619 there were good harvests, and the Privy Council was concerned to relieve farmers and landlords who were suffering through the low price of corn. This is why commissions were appointed to grant pardons for breaches of the depopulation acts, and why in 1624 all save the two acts of 1597 were repealed. The county justices still, however, attempted to check the change, and in this received more or less spasmodic pressure from the Council. In the 1630's corn prices rose again, and in 1630 the justices of five Midland counties were ordered to remove all enclosures made in the last two years. In 1632, 1635, and 1636 more commissions were appointed, and the justices of assize were instructed to enforce the tillage acts. In 1633 they were cited before the Board to give an account of their proceedings. From 1635-8 enclosure compositions were levied in thirteen counties, some six hundred persons in all being fined, and the total fines levied amounting to almost £50,000. Enclosers were being prosecuted in the Star Chamber as late as 1639. However, the Star Chamber was to vanish in 1641, and the Stuart administrative policy disappeared with the engines by which it had been - somewhat ineffectively and spasmodically - put in force.

If the reign in its social and agrarian policy may be judged solely from the number of anti-enclosure commissions set up, then undoubtedly King Charles I is the one English monarch of outstanding importance as an agrarian reformer. How far his policy was due to genuine disinterested love of the poor, and how far it followed from the more sordid motive of a desire to extort fines from offenders, it is difficult to say. But even the most unsympathetic critic must

allow a good deal of honest benevolence to his minister Laud, Archbishop of Canterbury, and some measure of it to his master. On the whole it is perhaps not too much to say that for a short time after the commissions issued in 1632, 1635, and 1636, Star Chamber dealt fairly effectively with offenders. The lack of ultimate success of this last governmental attempt to stem the tide of enclosure was due, no doubt, partly to the mixture of motives on the part of its proponents. Still more its failure is to be attributed to the fact that again the local administrators, upon whom the Crown depended to implement its policy, were of the very [landed] class which included the worst offenders. A (practising) poacher does not make a very good gamekeeper!

The Commonwealth

During the Commonwealth there was little legal or administrative attempt to check enclosure of open fields. It is not clear how far this was taking place, though there was great activity in the enclosure and drainage of commonable waste. Some of the Major-Generals, especially Edward Whalley, held strong views upon agrarian matters, and attempted to use their very extensive powers to carry their ideals into operation. Petitions were prepared and presented, a committee of the Council of State was appointed and numerous pamphlets were written.

In 1653 the mayor and aldermen of Leicester complained of local enclosures and sent a petition to London, very sensibly choosing their neighbour, John Moore, as its bearer. Apparently it was because of this that the same year the Committee for the Poor were ordered 'to consider of the business where Enclosures have been made'. The question arose again in 1656 when Whalley, the Major-General in charge of the Midlands, set on foot local inquiries, and took fairly drastic action in response to petitions adopted by the grand juries in his area. He hoped that as a result of his action 'God will not be provoked, the poor not wronged, depopulation prevented, and the State not dampnified'. The same year he brought in a Bill 'touching the dividing of commons', but it failed through the opposition of William Lenthall, the Master of the Rolls, and indeed was not even given a second reading. This was the last bill to regulate enclosure. Ten years later, in 1666, another bill was read in the Lords, to confirm all enclosures made by court decree in the preceding sixty years. It also was unsuccessful, but the fact that it was introduced is indicative of a great change in the general attitude towards enclosure displayed by those in authority.

Footnotes:

* Coke (Chief justice of the King's Bench, 1613-16), was very emphatic on this, *Institutes III*, 1644 edn., p. 205. Ellesmere, his great rival (Lord Chancellor 1603-16), was more favourably disposed to enclosure, and himself authorised some enclosures by Chancery Decree. The point is of interest, since it may well have been Ellesmere's attitude which emboldened his kinsmen, Arthur Mainwaring, to embark on the enclosure of Welcombe, near Stratford, in 1614. In the story of this, Shakespeare plays a (very minor) part. Tothill, W., *Transactions of the Court of Chancery etc.*, 1649, edn. 1827, P. 109, and Ingleby, G. M., *Shakespeare and the Welcombe Inclosure*, 1885.

¹ There is a tabular statement of the proceeds in Gonner, p. 167 [and presented below!].

² See D'Ewes, *op. cit.*, p. 674, for Cecil's speech on this.

³ The activity was mainly 1607-18 and 1636, the first spasm being due presumably to the Midland riots, the second to a period of high corn prices.
Extent of Charles' penalties on inclosers

1) Introduction of tillage acts

2) Introduction of depopulation acts

3) A total of 600 individual fines on enclosing landowners as follows [from p. 167, Gonner, E.C.K., 'Common Land and Inclosure', 1912]:

King Charles I - fines on enclosing landowners -
(££)

Year ->	1635	1636	1637	1638	Total 1635-8
Lincolnshire	3,130	8,023	4,990	2,703	18,846
Leicestershire	1,700	3,560	4,080	85	9,425
Northamptonshire	3,200	2,340	2,875	263	8,678
Huntingdonshire		680	1,837	230	2,747
Rutland		150	1,000		1,150
Nottinghamshire			2,010	78	2,088
Hertfordshire		2,000			2,000
Gloucestershire				50	50
Cambridgeshire			170	340	510
Oxfordshire			580	153	733
Bedfordshire				412	412
Buckinghamshire				71	71
Kent				100	100
Grand Total					£46,810

If anyone has the equivalent amount in today's money please Email me at tony@gaia.org and I will include it here

Understanding landrights history, some terms defined

"In the Saxon and British tongue, signified a part or portion, most commonly of a meadow, where several persons have shares"

Definition of DOLE; Encyclopaedia Britannica, 1697, Edinburgh.

Tony Gosling 23rd November 1997

As all indigenous people know everyone needs access to primary resources, land must be freely available to all, regardless of social standing. It is an essential right, not a privilege, in any society that calls itself civilised or free.

Yet this has rarely, if ever, been so. As this is the one step that can move us out of a world of constant fear, threat and intimidation what is stopping us getting there? Simply awareness and consciousness of the issue. The fact that land went into private ownership centuries ago does not mean that decision is irreversible.

Especially as our economic 'system' seems to be on its last legs; especially as the only answer the rich and powerful seem to have to poverty and dispossession is the totalitarianism of their corporations. We need land reform right now!

In order to help us understand how the land has been stolen, bit-by-bit, from ordinary people here in the U.K. here is a brief overview of historical terms related to land use and taxation, many of which have fallen out of use.

By understanding the progress of land control and theft from [Domesday](#) to the present I hope we can grasp our position more clearly, and be empowered to change it.

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Bailiff

The agent or steward of a landlord or landowner. Also a sheriff's officer who serves writs and summonses, makes arrests, and ensures that the sentences of the court are carried out.

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Baron

The fifth and lowest rank of the peerage. Until the 13th century the term was applied to all tenants-in-chief - those who held land directly from the king. A distinction came to be made between those summoned to court by personal writ (the greater barons) and those summoned by general writ (the lesser barons), which Magna Carta (1215) confirmed. A new criterion of definition was introduced in the 14th century, when baronies were created by personal summons to parliament and had no basis in land tenure. The law life peers (created since 1876) and other life peers (since 1958) are ranked as barons and baronesses.

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Ceorl

An Anglo-Saxon peasant ranking between serf and noble. He either owned his land or receive it from a lord to whom he was therefore tied by labour services.

He was liable for military service (in the fyrd) and taxes. In court he was entitled to have three fellow ceorls to support his oath. By the 11th century wealthy ceorls could become thegns, but most lost their personal freedom after the Norman conquest, and 'churl' came to mean an ill-bred person.

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Clan

(Gaelic for: children or offspring) Semi-autonomous political, military and social units in the Scottish Highlands which emerged at the end of the 14th century. Clans were formed partly to counteract the growing lawlessness that resulted from the decline of the monarchy, although the clans themselves were partly to blame for this lawlessness.

In theory a clan consisted of all the descendants of a common ancestor, who was regarded as the founder of the clan and who gave his name to it (e.g.. MacDonald, son of Donald). In practice many clansmen were tenants, dependants or followers who had no blood relationship with the chief's family. In the west many chiefs were descendants of pre-feudal local leaders, either Celtic or Norse, who had accepted feudal tenure but now reasserted more traditional kinship claims to authority. In the east the founders of many clans were alien feudal landlords whose descendants adopted local customs, accepting the Gaelic language, culture and form of "clan chief" leadership. Thus feudalism could be at least as important as kinship in creating a clan, while naked aggression and conquest could be as important as either in extending a chief's power.

Under the clans, much of the Gaelic speaking Highlands (especially the west and the Hebrides) remained outside the effective control of central government until the 18th century. During the 18th century the social and economic influences of Lowland Scotland combined with political and military pressure to destroy clanship, especially after the failure of the 1745 Jacobite rising.

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Copyhold

A form of land tenure, so called because the holder had a copy of the record of his holding in the manorial role. By the 15th century most villeins had become copyholders as most of the services they owed to their lord were commuted to money payments. Under the Reform Acts "£10 copyholders" - those with land worth £10 annually - were given the vote in 1832 and "£5 copyholders" in 1867.

The last copyholds were converted into freeholds by the Property Act (1922) and the last feudal obligations attached to copyhold were abolished in 1935.

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Court Baron

A court held before the freemen of a manor to deal with such services owed by tenants to the lord and personal actions by tenants for the recovery of debts or damages worth less than 40 shillings. Neither the lord nor his steward were permitted to imprison or fine. Although obsolete, courts baron have not been abolished.

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Court Leet

A court of record that the lord of a hundred or manor might be authorized by royal charter to summon annually. Its chief functions were to inspect the members of the hundred etc. and to punish misdemeanours. The steward of the leet was the judge and he might fine or imprison.

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Crofters' War

Action which culminated around an eviction at The Braes, south of Portree in Skye in 1882. Crowds, led by the womenfolk, gathered to ambush a large party of police and bailiffs sent from Glasgow to evict crofters from The Braes. The eviction party was successfully repelled and newspaper reports on 'The Battle Of The Braes' led to Lord Napier's Royal Commission into the greivances of the Crofters. This, in turn, led to the unique Crofting Acts which do a great deal to enshrine in law what had been the customary system of land tenure before the Highland Clearances began.

Crofters

War

links:

[Top](#) [Scottish](#) [Site](#) <http://www.hebrides.com/subj/crofting.htm>

[Crofters War discussed in the House of Commons](#) <http://www.parliament.the-stationery-office.co.uk/pa/cm199697/cmhansrd/cm961106/debtext/61106-01.htm>

[Books available:](#) <http://american.prices.com/books/1450/1462midi.html>

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Demesne

That part of a manor kept by the lord for himself as distinct from land held of him by tenants. It was exploited directly for the lord by his villeins, the amount of work owed to him varying according to region and season. Ancient demesne was the land that was recorded in Domesday as having been in the possession of the crown in 1066; it included the boroughs.

Towards the end of the 14th century the combined effects of depopulation caused by the black death, the flight of the villeins, and the low price of grain led many lords to lease the demesne.

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Diggers (1649)

A small but determined group that practised a form of agrarian communism at the end of the English Civil War. Seeing the war as a defeat for the landowning class, 20 Diggers, under the leadership of [Gerrard Winstanley](#), assembled at St. George's Hill in Surrey on 1st April 1649 to set up a colony in which land was cultivated communally. They used [liberated printing presses](#) to get pamphlets about their vision out to ordinary people and to ensure their ideas survived to inspire future generations.

Believers in passive resistance, the Diggers were harassed by legal action and mob violence and by April 1650 had been dispersed.

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Dissolution of the Monasteries

The suppression of the monastic houses of England and Wales and the transfer of their property to the crown in an effort to boost royal income. It was organised by Thomas Cromwell between 1536 and 1540. A visitation of all monastic houses conducted from 1535 to 1536 revealed the hoped for examples of misconduct that provided some moral justification for the policy. Approximately 800 institutions were affected and although their 9000 inmates

received some compensation the dissolution provoked resentment that contributed to the Pilgrimage of Grace. For Henry VIII the policy meant an additional income in excess of £90,000 a year. Most of the property was sold off to the English gentry through the Court of Augmentations.

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Distrain

1. See Distress. 2. The obligation of persons owning land of a certain value (originally £20) or holding a knight's fee, to accept a knighthood. It was introduced by Henry III to increase revenues from feudal incidents. Charles I's insistence that all owners of land with an annual value of £40 assume knighthood provoked the long parliament to abolish compulsory knighthood (1641).

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Distress (or distraint)

The seizure of a wrongdoer's movable property by the person wronged. In feudal law, a lord possessed the right to seize the property, also called distress and generally comprising livestock, of a tenant who had failed to perform the services owing to him. The statute of Marlborough (1267) and subsequent legislation attempted to regulate abuses in distress.

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Domesday Book (1086)

The most comprehensive and detailed record of property compiled anywhere in Europe during the middle ages. Conceived by William the Conqueror at Christmas 1085 in Gloucester, the survey's primary purpose was to provide maximum yield from the land tax. It received its name in the 12th century to signify that, like the day of judgement, there could be no appeal from its verdict.

The survey was carried out in 1086. Each shire was visited by groups of royal commissioners, who conducted their investigations from the shire courts. Every village was expected to reply to a variable list of questions, including identity of landholders, the size and use of land, the number and status of its cultivators, and its value, "all threefold: before 1066, when king William gave it, and now". The truth of the replies was attested by juries consisting of an equal number of Englishmen and Normans. The information was then condensed and tabulated, shire by shire, on the basis of feudal ownership: the king's estates were listed followed by those belonging to the ecclesiastical and lay tenants-in-chief, women, English thegns, etc..

The survey was eventually recorded in two volumes, one dealing with the counties of Norfolk, Suffolk and Essex (Little Domesday) and the other with the remainder, which were held at the treasury in Winchester. The four northernmost counties, London, and Winchester were not included.

The survey caused considerable resentment and, in some places, riots. Domesday Book is now in the Public Record Office.

[The Village of Groby in Mediaeval times - domesday entry and glossary](#)

<http://www.grobynet.org.uk/gname.htm>

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Dole

In the Saxon and British tongue, signified a part or portion, most commonly of a meadow, where several persons have shares. Encyclopaedia Britannica, 1697, Edinburgh.

Duke

The highest rank of the peerage originating in 1337 with the creation as duke of Cornwall of Edward, the Black Prince. The first nonroyal duke was Robert de Vere, 9th earl of Oxford, created duke of Ireland in 1386.

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Ealdorman

A noble of the highest social rank in Anglo-Saxon England, appointed by the king to govern a shire. Ealdormen were responsible for the shire military levy and secular law in the shire moot. From the 10th or 11th century ealdormen became powerful local magnates, with control over more than one shire, and became known as earls.

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Earl

The chief royal representative in the shires, replacing the Anglo-Saxon ealdorman in the Danish areas of England in the 10th century and throughout the country under king Cnut (reigned 1016-35). Although the office was nominally the gift of the king, the earls had such political and landed power that the tendency was towards hereditability. In the shire the earl commanded the fyrd, presided over the court, and received a third of the profits of justice. During the 11th century earls ruled over provinces, such as Wessex and Northumbria, and were replaced in shire administration by the sheriffs. In the 12th century the title of earl became one of nobility and earls formally entered the peerage.

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Enclosure

[Originally and more correctly spelt 'Inclosure' as the E spelling was thought by the powerful landowners to be less emotive.]

The conversion of the open field system of farming into that of enclosed fields, completed by the early 19th century. The enclosure by landlords of open fields, commons and waste lands occurred in the middle ages. Extensive enclosure, especially for sheep farming, took place in the 16th century, causing considerable unrest (e.g.. The Pilgrimage of Grace and Kett's Rebellion). In spite of legislation against enclosure by 1700 about half the arable land in England and Wales was enclosed. The farming 'improvements' of the agricultural revolution were inoperable in open fields and, together with the food demands of an increasing landless population, brought about a relentless movement towards enclosure in the 18th century. Implemented mostly by enclosure acts (private acts of parliament), by 1815 almost all usable farming land was enclosed.

These enclosures, while essentially for revolutionising farming and food supply, had unfavourable social effects. Although land reallocation under an enclosure act theoretically compensated those losing their rights to common land, in practice most lacked the capital to utilise the land, and many smallholders could not live adequately from their new plots; further, landless labourers received no compensation.

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Fealty

The loyalty sworn by a vassal to his lord. It followed the act of homage. While making the oath the vassal placed his hand on the Scriptures or on a casket containing relics. The oath still survives in the coronation service.

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Fee (or fief)

Land granted to a knight by his lord in return for military service. By the 12th century such land was regarded as inheritable. Its size varied and it could be let by mesne. The word was later extended to offices of profit similarly held, and thence to the sums that those who held such offices were authorized to demand as payment for the exercise of their official functions. It was later extended to denote the remuneration due to lawyers and physicians, and in modern times to any professional person for services provided.

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Feudalism

A system of land tenure, characteristic of mediæval Europe, in which land is held by a vassal (the feudal inferior) of his lord (the feudal superior) in return for a pledge of homage, military services, and certain other duties. In England, land was granted by the king to his tenants in chief, who might pass on part of their service, in return for grants of land, to tenants, and these tenants might do likewise.

All land was held directly or indirectly (mesne tenure) of the King, who was the feudal superior of all tenants.

The question whether feudalism was introduced into England by the Normans has been much disputed. There are almost no cases of land held for specific military service in Anglo-Saxon England and the knight often regarded as an essential component of feudal society, was unknown in England before 1066. His home, the castle, was also a Norman innovation.

The feudal host provided the nucleus of the Anglo-Norman army but Kings also relied heavily upon mercenaries and specialist soldiers. Soon after the conquest money payment (scutage) was being exacted from the holders of fees (lands held in return for the service of one knight) in place of military service and the money was used to hire mercenaries. This process was hastened by increasingly sophisticated warfare and the needs of English kings in the 12th and 13th centuries for almost permanent armies to serve in France, Wales and Scotland.

The Military Justification for feudal tenure therefore declined at the same time as the development of Royal Justice contributed to the decline of the private jurisdictions of feudal Lords.

[The Feudal System](#)

<http://socserv2.socsci.mcmaster.ca/~econ/ugcm/3ll3/vinogradoff/feudal>

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Forest

The right of keeping wild beasts or fowls in a specific area, not necessarily wooded, for the purpose of hunting. The royal forests were protected by forest laws, enacted mainly between 1066 and 1189. Penalties for infringement of the laws were severe and included capital punishment and mutilation, both abolished by the forest charter (1217). The repeal of the forest laws, little enforced after 1688, was completed by 1817.

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Franchise

The right to elect members of the House of Commons, known as the franchise, was until the present century only granted to landowners. The term originates in the setting free (French *franchir*, to set free) of the unfree by manumission. The franchise denoted first the body of freemen in a manor, borough, etc., and then their rights, including the right to vote. This depended largely on land ownership qualifications. Between 1430 and 1832 the English county franchise was limited to residents possessing a freehold worth 40 shillings a year. Borough members were elected on a variety of franchises. the reform act of 1832 unified the borough franchises, that of 1867 enfranchised all borough householders, and that of 1884 all county householders. In 1918 all men over 21 and women over 30 were enfranchised. Women over 21 have voted since 1928. Plural voting whereby certain electors might vote in more than one constituency, did not end until the abolition of the university seats in 1948.

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Frankalmoign

(Anglo-Norman: free alms) land held by the church fro such services as praying fro the souls of the lord and his heirs. Originating in Anglo-Saxon times, it was not abolished until 1925.

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Freehold

A form of land tenure. Under feudalism freeholders were those who held land by knight service or by socage tenure. The services attached to these tenures were at an early date commuted to money payments. These rents were fixed and thus constituted a decreasing burden. Lands held in knight service also bore the various feudal incidents, but in practice the free tenures had become hardly distinguishable from absolute possession well before they were finally abolished by the long parliament (1640-60). The unfree tenures, notably copyhold, were finally converted into freehold by the property act (1922).

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Fyrd

During the Anglo-Saxon period, a local military force in which all free men were obliged to serve. A fyrd seldom fought beyond the borders of the shires in which it was raised.

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Gavelkind

Tenure of land in return for the payment of rent (gavel) rather than the performance of services. Common in Kent, but occurring elsewhere, gavelkind land was not subject to the law of primogeniture but was inheritable by all heirs.

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Gebur

An Anglo-Saxon peasant, or ceorl. The gebur might have originated as a serf, who was given a yardland (generally about 20 acres) in return for specified and often burdensome labour services and rents. His land and tools reverted to his lord on his death.

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Geneat

A high-ranking ceorl, who paid rent for his land and performed services for his lord that were suitable to his standing, such as serving as a horseman. The word means companion, so geneatas probably originated as members of the lord's household.

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Highland Clearances

Eviction and enclosure of traditional Crofter and Cottar's settlements during the 18th century in the Scottish Highlands. The Scottish gentry's gambling debts in London pressurised them into obtaining greater revenues from their estates which they did by replacing low rent human settlement with high yield sheep rearing. The Cheviot sheep thus replaced people in the Highlands who, because they were evicted far from the public eye, suffered brutal treatment from landlord's 'factors' such as Patrick Sellar. He ordered at least one building to be burnt down in full knowledge that a bedridden occupant was still inside.

Highland Clearances links:
[The Highland Clearances, includes links page](#)

<http://www.sirius.com/~macgowan/hc.html>

[U.S. Highland Clearances site: http://www.clannada.org/docs/clrsnca.html](http://www.clannada.org/docs/clrsnca.html)

Highland Clearances references:
David Craig, On the Crofters' Trail: in Search of the Clearance Highlanders, Pimlico, London, 1990.

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Homage

The act of submission made by a feudal tenant to his lord. Kneeling, a tenant gave his joined hands to be clasped by his lord, whom he undertook to serve. This was followed by the swearing of fealty.

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Irish Land Acts

A series of acts passed in response to agitation by Irish tenants for land rights.

1. (1870) An act that provided compensation for eviction and for improvements carried out by tenants.
2. (1881) An act guaranteeing fair rents, fixity of tenure, and freedom to sell (the three F's).
3. (1885) An act- Ashbourne's act- that advanced £5million (increased in 1888 and 1891) for the purchase of land by tenants.
4. (1903) The Wyndham Act- by which landlords were offered bonuses to sell their lands.

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Irish Land League

An organisation formed to achieve land reform in Ireland. Founded in 1879 by Michael Davitt, its most famous tactic mass organised ostracism (*boycotting*) of unpopular landlords and their agents. After Gladstone's 1881 Irish Land Act the League's immediate aims were achieved and it disbanded. Straide, in county Mayo, is Michael Davitt's birthplace. A plaque and Museum have been erected to his memory in the village.

Irish Land League links: [THE GREAT STARVATION AND BRITISH IMPERIALISM IN IRELAND](#) by Seamus Metress University of Toledo
<http://www.vms.utexas.edu/~jdana/iphunger.html>

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Kett's Rebellion (1549)

An insurrection in Norfolk led by Robert Kett. The rebellion was directed against the enclosure by landowners of common pasture lands to raise their own sheep. The rebels - numbering some 16,000 - proposed the abolition of private ownership of land and achieved some short-lived success before being suppressed by forces under the earl of Warwick (later duke of Northumberland). Kett was chained to the city walls of Norwich and left to die.

[Norwich drama group and a play on Ketts Rebellion](#)

<http://www.paston.co.uk/users/joedye/plays.html#ketts>

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Knight

The mounted warrior of medieval Europe, it is likely he was a Norman innovation. A man became a knight, or was dubbed for knighthood, in a ceremony in which he was invested, by a noble, with a set of arms. In return for field service for a stated period, garrison duty, payment of feudal service and a general obligation to give counsel and aid his lord, a knight received land, his fee.

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Kotsetla

In the 11th century, a ceorl, or free peasant, who owed one day's labour a week to his lord and extra days at harvest time. In return he was permitted to farm a small share of the common.

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Manor

A landholding unit in Medieval England. It was normally divided into two: the demesne, land kept under the lord's direct control and cultivated for his profit, and the tenants' holdings, land granted in return for service, whether free (for money rent) or unfree (for labour provided on the lord's demesne).

The proportion of demesne and tenanted land varied; some manors had no demesne, others no land holding tenants. Nor was it always coterminous with a village: some manors comprised several villages or one village might be divided between several manors. The lord of a manor exercised jurisdiction over his tenants in the court baron and some also held courts leet.

The manor's origin is unclear but manors were certainly present in the late Anglo-Saxon period and almost all were created before 1289. They retained their integrity as territorial, legal, and administrative units until the early modern period, and vestiges of the manorial system still exist.

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Man Trap

Man Traps, Spring Guns and Dog Spears were used to frighten off poachers and trespassers of all sorts. These barbarous implements flourished during the 17th and 18th centuries and earlier years of the 19th.

The Man Trap was a very large double spring gin trap. The second spring was to ensure that if a person was caught by one leg only, he/she could not release the jaws by pressing the free foot on the other spring.

Spring guns were loaded shotguns attached to a trip-wire. One of the manufacturers was Higham, Warrington. A decision was given on 22nd January 1820 it was legal to set these engines if public notice was given to that effect.

The Dog Spear was planted in undergrowth with the object of maiming a running dog.

A man-trap tale from Market Bosworth, Leicestershire, England: In 1608, an elegant manor house - Bosworth Hall - was built by Sir Beaumont Dixie and the family occupied it for generations. Situated in elegant parkland it was later a hospital but is now a luxurious hotel. An indication of the first Sir Wolstan Dixie's personality is reflected by claims that he installed a man-trap in the grounds to ensnare a young hopeful after his daughter, Anne. However, it was Anne who fell foul of the device, which severed her leg at the ankle. She died of her injuries shortly afterwards.

<http://www.hinckley-times.co.uk/bosworth.html>

The man trap was used by land owners to inhibit the starving Irish peasants from stealing from orchards and fields where food was being grown.

<http://www.iol.ie/tipp/faminech.htm>

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Manumission

The granting of the status of a free man, or franchise to a villein. Freedom was usually obtained by payment (quit rent) to the lord, who gave the villein his freedom (see quit claim) in a ceremony performed before the sheriff in court.

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Marquess

A rank of the peerage, standing below a duke and above an earl. It was first conferred in 1385 on Robert de Vere, 9th earl of Oxford. The oldest surviving marquessate is Winchester, created in 1551. A woman holding the rank is called a marchioness.

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Mesne tenure

A kind of sub-letting in feudal law, where land was held from a lord by a mesne, or middle, lord, from whom an inferior tenant then held it. The arrangement was called subinfeudation.

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Norman yoke

A phrase applied to Norman rule by those who saw the Norman conquest as leading to the overthrow of representative institutions and their replacement by despotic, autocratic government. The Normans were a continental ruling dynasty, descended from the Viking Rollo, who were recognised by England in 911. The concept of the Norman yoke was a powerful political force in the English civil war, when the Anglo-Saxon witan was equated with parliament and the Norman kings with Charles I.

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Peerage

In descending order of rank, dukes, marquesses, earls, viscounts and barons. The peerage originated from the tenants in chief, those who held land direct from the Norman kings. Although of different ranks they enjoyed the same privileges, notably the right to be tried by their 'peers' (latin *pares*, equals), which was last claimed in 1936 and abolished in 1948. The peers collectively comprise the lords temporal of the House of Lords.

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Pilgrimage of Grace (1536-37)

A series of risings against Henry VIII that originated as a protest in Lincolnshire against the dissolution of the smaller monasteries. These rebellious supporters of traditional religion were joined by feudal magnates opposed to the extension of royal control over the north and by peasants worried by the enclosure of arable lands for pasture. The unrest spread to Yorkshire, where Robert Aske led the forces opposed to the King. The rebels did not coordinate their efforts, and no pitched battle took place. Their leaders were arrested and executed, and royal authority was restored by February 1537.

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Quit claim

The release by a lord of all claims that he might have against a villein, who in compensation for lost services paid a quit rent. (See Manumission)

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Reform Acts

Three measures of electoral reform in the 19th century which went some way to granting the vote to those who do not own land:

1. (1832) An act originated by the Whig government of Lord Grey in response to widespread unrest. The first reform bill was introduced in March 1831. It was defeated by the Tories in April and the government resigned. The general election returned the Whigs, who introduced a second bill in June. In October the Lords rejected it and riots, notably in Bristol, ensued. A third bill, introduced in December again met obstruction in the Lords. Only after William IV, in response to Grey's resignation and popular agitation, threatened to create sufficient new peers to override the opposition did the bill become law. The bill disenfranchised most rotten boroughs, and the released seats were redistributed amongst the counties and previously unrepresented boroughs. The franchise was extended in the counties from the freeholders of property worth 40 shillings a year to £10 copyholders and £50 short leaseholders and tenants-at-will; in the boroughs £10 householders were granted the vote. The electorate in England and Wales was immediately increased by some 50%, but the vote had been extended only to the prosperous middle class.

2. (1867) An act sponsored by Derby's Conservative government and largely the work of Disraeli that extended the franchise to another 938,000 voters (bringing the total to some two million). It extended the vote to £5 leaseholders and £12 occupiers in the counties and to all householders and rentpayers paying £10 per annum in the boroughs. Some 45 parliamentary seats were redistributed.

3. (1884) An act introduced by Gladstone's government in response to radicals' demands, that extended the household franchise to the counties; the total electorate thus increased from about three to about five million. A separate measure (1885) redistributed seats to achieve an exact correspondence throughout the country between population and representation.

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Rights of Common

Common Land is Land subject to Rights of Common - ie rights enjoyed by one or more persons to take or use part of a piece of land or the produce of a piece of land which is 'owned' by somebody else.

Ancient rights of common were usually of five kinds, although there were others:

- **of pasture:** the right to graze livestock; the animals permitted, whether sheep, horses, cattle, etc., were specified in each case.
- **of estovers:** the right to cut and take wood (but not timber), reeds heather bracken, etc.
- **of turbary:** the right to dig turf or peat for fuel.
- **in the soil:** the right to take sand, gravel, stone, coal, minerals, etc.
- **of piscary:** the right to take fish from ponds, streams etc.

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Serf

An unfree peasant. A serf was tied to the land, which he tilled in return for paying a fee in cash or kind and providing services to his lord. He enjoyed certain rights that distinguished him from a slave. Slaves are legally owned by a master and their function is only to provide services to him.

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Scutage

A payment made by a knight to the king in commutation of services owed for his fee. The term derives from the latin *scutum*, shield, part of the knight's accoutrement.

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Sheriff

A royal official who, from the early 11th century, came to replace the earl as the king's chief agent in the shire. The Sheriff (or *shire reeve*) was responsible for financial administration, the collection and local assessment of royal taxes, and the supervision of royal estates. He also sat in the shire court- although he did not preside over it until after the Norman conquest.

Abuse of their powers by sheriffs led to an inquest (1170), following which many were dismissed. The office lost its importance by the 16th century and the sheriff's duties now comprise chiefly the supervision of parliamentary elections, executing writs, and the summoning of jurors.

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Shire

A unit of local government that originated in 8th and 9th century Wessex. The shire system, which replaced the Roman provinces, was later extended to cover the whole of England. A shire usually took its name from its principal city. The king's interest was represented by an earldorman and later by a sheriff, who presided over the shire court and was responsible for the militia. The shires were replaced after the Norman invasion by the counties.

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Socage

A form of land tenure, in which the tenant owed any of a variety of (non-military) services in return for land. The term now refers to freehold tenure.

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Thegn

(Old English, *one who serves*). A noble of Anglo-Saxon England, having a wergild six times greater than that of a ceorl. A thegn held his estates, which were hereditary, in return for service to his lord. The duty of the King's thegns included attendance at the witan, military service, and administration in both

central and local government. The importance of the thegns was diminished by the time of the Norman conquest because estates of a deceased thegn were divided amongst all his sons.

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Tithe

The payment of one-tenth of the earnings or produce of an inhabitant of a parish for the upkeep of the church. Originally voluntary, tithes were first enforced in the mid 10th century, and they became an important item in the income of parish priests. The payment of tithes was widely resented and became a political issue during the Interregnum, when Barebones Parliament sought to abolish them. They were also bitterly resented by the Roman Catholic majority in Ireland and formed one of the grievances of the Whiteboys. A series of Tithe Acts (1836-91) replaced tithes with rent charges dependent on corn prices; these charges were abolished in 1936. Similar acts were later passed for Scotland and Ireland.

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Vassal

A feudal tenant holding land from a lord in return for his sworn loyalty and service. The vassal had to do homage and swear fealty to his lord.

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Villein

A Medieval peasant. The word is derived from the Latin *villanus*, villager- the class of person most frequently mentioned in the Domesday Book. Like the Anglo-Saxon gebur or geneat the villeins cultivated land in the village fields in return for labour services on the manorial farm. By the 13th century the villeins had become unfree peasants bound to their lords by rigid legal and economic ties. Economic and social changes, especially after the black death, had greatly weakened the institution of villeinage by the 15th century.

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Viscount

A rank of the peerage, below an earl and above a baron, originally a sheriff of a county and thus a deputy of a count or earl (Latin: *vicecomes*). The title was first used of a peer in 1440.

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Witan

The council of the Anglo-Saxon kings. It developed from Germanic assemblies summoned to witness royal grants of land. By the late 9th century the witan had become a formal gathering of the principle ealdormen, thegns and bishops, summoned by the king to give him advice and to witness acts of royal administration, such as grants of charters and church benefices, new laws, and royal decisions on taxation, foreign policy and defence. The witan played a valuable role in checking royal power and preventing autocracy. It also carried on the business of government during gaps in the succession.

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A brief chronology

1066	--Norman	Invasion,	imposition	of	Norman	Yoke
1086		--	Domesday			Book
1470-1900					--	Enclosure

1536-1540	-- Dissolution	of	the	Monasteries
1549	-- Kett's			Rebellion
1642-1649	--English		Civil	War
1649	-- The			Diggers
1870-1903	-- Irish		Land	Acts
1879-1881	-- Irish		Land	League
1800-1882	-- Highland			Clearances
1882	-- Crofters' War			
1995-	-- The Land Is Ours ,		a landrights movement for Britain	

Links:

[Das Kapital on dispossession from the land chapter 27](#)

<http://www.marx.org/Archive/1867-C1/Part8/ch27.htm>

[Land Occupation at St George's Hill](#)

http://ourworld.compuserve.com/homepages/tash_lodge/st_georg.htm

[General Land Rights](#)

http://ourworld.compuserve.com/homepages/tash_lodge/land1.htm

A brief outline of the Irish problem:

Ulster (or Northern Ireland) was one of the four provinces of the whole island of Ireland which refused to become a republic (or free state) earlier this century.

The Protestants there were given land centuries ago as payment for putting down Irish rebellions against English rule. They form a majority in Ulster, the most developed quarter of Ireland, and want to carry on being ruled from London. The Catholics were the traditional native Celtic inhabitants of Ireland.

The protagonists line up as follows:

Extreme Protestants: *Loyalists* Political party: *Ulster Unionists* Paramilitaries: *UVF*, *UFF*

Moderate Protestants: *Unionists* Political party: *Democratic Unionists*

Moderate Catholics: *Nationalists* Political party: *SDLP*

Extreme Catholics: *Republicans* Political party: *Sinn Fein* Paramilitaries: *IRA*, *INLA*

The extremists on both sides come from the poorest sections of the communities. The protestants own almost all the land and businesses and control the police force - the Royal Ulster Constabulary. Although in some cities in Northern Ireland the communities are entirely separated, in most towns and villages there is two of everything; church, bank, school, bakers, greengrocer etc. one for the Protestants and one for the Catholics. There are a number of towns that are exclusively Protestant, but few if any that are exclusively Catholic.

The two communities are fighting for access to the national wealth and resources, most of which the Protestants own.
